

United States Environmental Protection Agency  
Criminal Investigation Division  
Investigative Activity Report

Case Number

0600-0500

Case Title:

Rabun Dairy

Reporting Office:

Dallas, TX, Area Office

Subject of Report:

Investigation (b) (6), (b) (5)

Activity Date:

May 17, 2007

(b) (6), (b) (5)

Copies to:

Related Files:

Reporting Official and Date:

(b) (6), (b) (7)(C), SAGT

17-MAY-2007

Approving Official and Date:

(b) (6), (b) (7)(C), SAC

18-MAY-2007

Approved by: (b) (6), (b) (7)(C), ASAC

SYNOPSIS

05/17/2007 - On 05/03/2007, SA (b) (6), (b) (7)(C) and Special Investigator (SI) (b) (6), (b) (7)(C) of the Texas Commission on Environmental Quality (TCEQ), Special Investigation Section, met with (b) (6), (b) (5)

DETAILS

On 05/03/2007, SA (b) (6), (b) (7)(C) and Special Investigator (SI) (b) (6), (b) (7)(C) of the Texas Commission on Environmental Quality (TCEQ), Special Investigation Section, (b) (6), (b) (5)

(b) (6), (b) (5)

(b) (6),

(b) (6), (b) (7)(C)

(b) (6),

(b) (6), (b) (7)(C)

(b) (6), (b)

(b) (6), (b) (7)(C)

On 05/15/2007, SA (b) (6), received an electronic mail message from SI

(b) (6), (b) (7)(C) SI (b) (6), (b) (7)(C) wrote that "According to a local CAFO inspector,

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there is no protocol to unclog a drain to the lagoon. The method of unclogging is up to the individual. They must follow regulations as to dewatering or sludge control."

On 05/16/2007 at approximately 0700 hours, SA (b) (6), spoke via telephone with Texas State Soil and Water Conservation Board (TSSWCB) engineer (b) (6), (b) (7)(b) (6), (b) [Agent's Note: (b) (6), (b) was previously interviewed on 03/12/2007 and personal information for (b) (6), is contained in the EPA-CID IAR that documents that interview].

In regards to an alternative to (b) (6), (b) discharging approximately 43,338 gallons of dairy waste lagoon effluent on 01/19/2005, (b) (6), (b) stated that (b) (6), should have followed his water quality management plan (WQMP) if he needed to drop the level of his dairy waste lagoon. (b) (6), said that the WQMP requires (b) (6), to apply lagoon effluent in fields authorized for such applications, and in a manner that prevents runoff or excessive deep percolation of the effluent into the soil. (b) (6), said that to comply with the WQMP, (b) (6), should have used his sprayer, or "gun," to evenly spray the 43,338 gallons onto his field. (b) (6), said that (b) (6), likely did not connect the sprayer because he (b) (6), (b) could "pump down" the waste lagoon faster if the sprayer was not connected. (b) (6), added that if the sprayer had been attached, (b) (6), would have reduced the level to the desired height eventually.

(b) (6), said that he does not know from whom the figure of 90,000 gallons of dairy waste lagoon effluent came - but added that he (b) (6), (b) did not offer that figure as the amount of dairy waste lagoon effluent discharged by the RABUN Dairy on 01/19/2005. (b) (6), opined that the amount may have been suggested by Hopkins County Environmental Officer (b) (6), (b) (7)(C). (b) (6), said he stands-by his engineered figure of 43,338 gallons.

(b) (6), said that the (b) (6), (b) WQMP does include a provision for the discharge of lagoon wastewater when the waste lagoon is in danger of overflowing due to a catastrophic rainfall event - however, (b) (6), added that this emergency-type clause would not authorize the discharge of lagoon wastewater into Waters of the State and did not apply in the case of (b) (6), (b) (7)(C) 01/19/2005 discharge as it was not raining and the lagoon was not in danger of overflowing.

On 05/17/2007 SA (b) (6), spoke via telephone (b) (6), (b) (7)(C) with (b) (6), (b) (6), (b) the (b) (6) of Terra Renewal Services (TRS). (b) (6), stated that TRS does service lagoons and digesters, but that their land application

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permits do not allow for the disposal (through land application on one of their permitted fields) of cattle wastes. (b) (6), said that TRS' permits do allow them to land apply poultry wastes and other types of agricultural wastes. (b) (6), added that prior to the offsite disposal of any wastes, TRS sends a sample to their laboratory in Arkansas for analysis - which (b) (6), said takes approximately two weeks to complete, and which must be done prior to the transportation and disposal of any wastes.

(b) (6), said that TRS could respond to a dairy and pump out their lagoon and apply the waste on the dairy's own fields, assuming the dairy is permitted for the land application of cattle wastes. (b) (6), said that the manager of TRS' laboratory, (b) (6), (b) (6), might be able to provide additional details.

On 05/17/2007 SA (b) (6), spoke via telephone (b) (6), (b) (7)(C) with (b) (6), (b) (6), (b) (6) of TRS' Laboratory. (b) (6), reiterated what (b) (6), had said regarding TRS' inability to transport or dispose of dairy waste. (b) (6), added that most dairies, as far as he knew, land applied their own waste lagoon effluent and thus did not require the services of TRS.

Lastly, SA (b) (6), spoke with representatives of the Sulphur Springs, TX, wastewater treatment plant (WWTP) (903) 439-4901; and two East Texas septic waste haulers: A-1 Sanitation located at 3016 Farm Road 137, Paris, TX, (903) 784-6821; and Hopco Clearwater Systems, located at 1015 FM 2297, Sulphur Springs, TX, (903) 885-9533. Representatives of the Sulphur Springs WWTP reported that waste haulers are prohibited from dumping cattle waste into their [Sulphur Springs WWTP's] system, and that they know of no waste haulers that service dairies; while the two septic waste haulers each said that (1), they do not handle dairy lagoon waste; (2), they do not know of any septic waste hauling companies that do; and (3), as far as they know, most dairies land apply their own waste lagoon effluent to avoid additional costs.

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